

Message Text

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TO USMISSION USUN NEW YORK PRIORITY

C O N F I D E N T I A L STATE 089800

EXDIS

FOLLOWING REPEAT MOSCOW 5681 ACTION SECSTATE 13 APR

QUOTE

C O N F I D E N T I A L MOSCOW 5681

EXDIS

E.O. 11652: GDS

TAGS: PLOS, US, UR

SUBJECT: MY CALL ON GROMYKO: LAW OF THE SEA

REF: (A) STATE 85109 (B) USUN 1493

1. GROMYKO RECEIVED ME AT 5:30 P.M. ON APRIL 12 TO DISCUSS LAW OF THE SEA AND OTHER QUESTIONS (SEPTELS). GROMYKO WAS ACCOMPANIED BY DEPUTY FOREIGN MINISTER KORNIYENKO AND BY INTERPRETER SUKHODRIYEV. I WAS ACCOMPANIED BY EMBASSY LOS OFFICER. I GAVE GROMYKO A COPY OF THE FULL TEXT OF THE SECRETARY'S AUGUST 8 SPEECH AND STRESSED THE IMPORTANCE WHICH HE ATTACHES TO THE SUCCESSFUL CONCLUSION OF THE LOS NEGOTIATIONS. I ALSO HANDED OVER A NON-PAPER GIVING THE GENERAL TALKING POINTS (REFTEL A). I COMMENTED THAT THE US AND THE USSR HAVE ENJOYED CLOSE COOPERATION
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AND CONSULTATIONS ON LOS QUESTIONS AND WE HOPED THAT THIS PATTERN

WOULD CONTINUE TO MARK OUR DEALINGS THROUGH TO THE SUCCESSFUL CONCLUSION OF THE NEGOTIATIONS.

2. I THEN TURNED TO THE QUESTION OF THE QUOTA SYSTEM FOR DEEP SEA-BED MINING, SPELLING OUT IN DETAIL THE POINTS IN REF B, AND PARTICULARLY EMPHASIZING THE DIFFERENCES WHICH SEEMED TO MARK THE TWO SIDES POSITIONS TO DATE. I STRESSED THAT THE SECRETARY'S SPEECH SOUGHT TO INJECT NEW MOMENTUM TOWARDS AN EQUITABLE SOLUTION ON THIS AND OTHER QUESTIONS AND THAT THE US COULD NOT ACCEPT A SYSTEM WHICH WOULD DENY OR SEVERLY RESTRICT US ACCESS TO DEEP SEA-BED MINING SITES. I ALSO LEFT A NON-PAPER GIVING THE POINTS IN REF B. I THEN MENTIONED THAT WE ALSO SEEMED TO HAVE SOME REMAINING DIFFERENCES ON THE QUESTION OF DISPUTE SETTLEMENT AND NOTED THAT I HAD RAISED THIS QUESTION WITH DEPUTY MINISTER KOZYREV IN AN EARLIER CONVERSATION. I POINTED OUT THAT WE FELT IT ESSENTIAL TO HAVE A SYSTEM OF BINDING ARBITRATION WHICH WOULD APPLY COMPREHENSIVELY TO ALL ASPECTS OF THE LAW OF THE SEA CONVENTION.

3. GROMYKO RESPONDED FIRST BY ASKING WHETHER MY PRESENTATION WAS SIMPLY TO INFORM HIM OR TO HAVE HIS REACTION TO THESE QUESTIONS. I REPLIED THAT WE WANTED TO INFORM THE SOVIET GOVERNMENT AT THE HIGHEST LEVEL OF THE SECRETARY'S SPEECH, OF OUR NEW INITIATIVES AND PARTICULARLY ABOUT THE PROBLEMS ON WHICH WE HAVE IMPORTANT DIFFERENCES. I SAID THAT WE WOULD APPRECIATE ANY THOUGHTS HE HAD ON THESE SUBJECTS. GROMYKO RESPONDED THAT THE SOVIET POSITION ON LOS QUESTIONS IS EITHER IDENTICAL OR OVERLAPS CLOSELY WITH THE US POSITION. IT IS NATURAL, HE SAID, THAT THE TWO COUNTRIES, AS MAJOR MARITIME POWERS, SHOULD HAVE SIMILAR INTERESTS AND THE SOVIETS ARE HIGHLY SATISFIED WITH THE COOPERATION WHICH HAS BEEN SHOWN TO DATE. THERE ARE OF COURSE SOME DIFFERENCES WHICH HAVE COME TO LIGHT DURING THE PRESENT NEGOTIATIONS IN NEW YORK. IT IS NOT CLEAR HOW THESE CAN BE SOLVED, HE SAID, AND THEY MAY NOT BE FULLY RESOLVED UNTIL THE NEGOTIATIONS ARE COMPLETED. HE THEN SAID HE WOULD RATHER NOT GO INTO DETAIL AT THIS TIME BUT THAT THE SOVIETS COULD PROVIDE ANSWERS TO OUR POINTS EITHER IN MOSCOW OR IN NEW YORK OR BOTH. "WE ARE AWARE OF YOUR POSITION", HE SAID. NOW THE PROBLEM IS HOW TO REACH SUCCESSFUL COMPROMISES. THE US POSITION IS VERY STRONG ON SOME ISSUES, PARTICULARLY THOSE WHICH ARE TO ITS SPECIFIC ADVANTAGE. FOR

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EXAMPLE, HE SAID, THE CONGRESS HAS PASSED A BILL EXTENDING THE US FISHING ZONE TO 200 MILES. THIS IS A UNILATERAL ACT; THE US LIKES THIS IDEA, SO THE US DOES IT. ON DEEP SEA-BEDS, THE US POSITION ALSO SERVES ITS UNILATERAL INTERESTS AND IT DOES NOT APPEAR VERY RECEPTIVE TO OTHER IDEAS.

4. ON THE SETTLEMENT OF DISPUTES THE QUESTION IS THE DEGREE OF OBLIGATION AND THE SCOPE OF THE LAW, GROMYKO CONTINUED. THE US

PROPOSES A TRIBUNAL. BUT IT IS NOT POSSIBLE TO HAVE TWO SYSTEMS OF INTERNATIONAL LAW IN WHICH CONFLICTING LAWS CANNOT BE RESOLVED. THERE IS ALREADY AN INTERNATIONAL COURT OF JUSTICE, HE SAID, AND NOW THE US PROPOSES TO SET UP ANOTHER SIMILAR TRIBUNAL. HOW WILL THE RIGHTS OF INDIVIDUAL COUNTRIES BE RESOLVED UNDER SUCH CIRCUMSTANCES, HE ASKED. IT IS NOT POSSIBLE TO HAVE TWO VERSIONS OF INTERNATIONAL LAW. "SUCH A CONCEPT WE CANNOT SUPPORT." HE WENT ON TO STRESS THAT THE SOVIETS HOPE FOR THE MAXIMUM POSSIBLE COOPERATION AND ARE CONVINCED THAT IF THE US AND USSR GO IN DIFFERENT DIRECTIONS, AN ACCORD WILL NOT BE POSSIBLE.

5. I REPLIED THAT THE TRIBUNAL THAT WE PROPOSED AND THE QUESTION OF THE MANDATORY SETTLEMENT OF DISPUTES WERE NOT QUESTIONS OF CONFLICTING INTERNATIONAL LAWS BUT WERE MECHANISMS FOR RESOLVING SPECIFIC DISPUTES UNDER THE PROPOSED LAW OF THE SEA CONVENTION. ON THE QUESTION OF THE UNILATERAL 200 MILE FISHING ZONE I POINTED OUT THAT THE ADMINISTRATION DOES NOT SUPPORT THIS POSITION AND HAD WORKED TO MINIMIZE THE EFFECT. KORNIYENKO INTERJECTED AT THIS POINT THAT THE MATTER WAS NEVERTHELESS UNILATERAL AND GROMYKO ADDED THAT THE SOVIET UNION MUST DEAL WITH THE UNITED STATES AS A UNITED GOVERNMENT. "WE DON'T HAVE THAT PROBLEM HERE," HE SAID. I POINTED OUT THAT THE FISHERIES LEGISLATION WOULD NOT IN ANY EVENT GO INTO EFFECT UNTIL NEXT YEAR AND THAT SUCCESSFUL CONCLUSION TO THE LAW OF THE SEA CONVENTION WOULD SUPERCEDE IT.

6. GROMYKO THEN TURNED TO THE QUESTION OF PASSAGETHROUGH STRAITS

, SAYING THAT IT WAS EXTREMELY IMPOTANT TO THE SOVIETS AND SHOULD BE EQUALLY IMPORTANT TO THE US AS AN ESSENTIAL PRINCIPLE. HE COMPLAINED THAT THE U.S. SEEMED "PASSIVE" ON THIS QUESTION AND SUGGESTED THAT U.S. REPRESENTATIVES "NEED MOREFUEL". THE EFFECT, HE SAID, IS TO LEAVE THE SOVIETS TO CARRY THEARGUMENT AND TO GIVE THE IMPRESSION THAT THE US DOES NOT FEEL STRONGLY ABOUT IT.

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I REPLIED THAT INDEED WE DO FEEL VERY STRONGLY ON THIS QUESTION AND THAT WE FELT THAT SIGNIFICANT PROGRESS HAD BEEN MADE IN INSURING THE INVIOABILITY OF STRAITS PASSAGE. GROMYKO SAID THAT PERHAPS HE WAS NOT ACCURATELY INFORMED, BUT HE REPEATED THE LINE THAT THE US "NEEDS MOREFUEL, A HIGH-OCTANE FUEL," ON THAT SUBJECT.

7. THE CONVERSATION THEN TURNED TO OTHER SUBJECTS.

STOESSEL

UNQUOTE KISSINGER

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